

Part 3 – Remarks

This Amendment and Response is responsive to the Office Action mailed June 9, 2005. In that Office Action, the specification was objected to for not describing certain co-pending patent applications by serial number; the claims 1-8, 12-17 and 25 were rejected as obvious under 35 U.S.C. 103(a) over Applicants Admitted Prior Art (APA) in view of Tadin (U.S. 6,493,958); and Claims 9-11, 18-24 and 26 were noted as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reconsideration of these objections and rejections is respectfully requested in view of the present amendments, with respect to the pending claims 2, 4-12 and 14-47.

Specification

The specification has been amended to insert the serial numbers of co-pending applications, as requested.

Canceled Claims

The subject matter from the canceled claims has been incorporated in the pending claims as set forth above.

Allowable Claims

Claims 9, 10, 11, 18, 19, 20 and 26 have been rewritten into independent form by integrating subject matter from the claims upon which they originally depended. It is believed that all of the limitations of the preceding claims have been integrated into these amended independent claims. Other amendments have been made to improve the form of these claims. Claims 9-11, 18-20 and 26 should therefore be in condition for allowance in accordance with the Examiner's notation of allowable subject matter.

Claims 2, 12 and 21 have been amended to depend from amended independent claim 26 and to improve their form. These claims should therefore be allowable in conjunction with amended independent claim 26.

Claims 4-8 have been amended to depend from amended independent claim 11 and are believed to be patentable in conjunction with amended independent claim 11.

Claims 14-16 and 17 have been amended to depend from amended

independent claim 18, and to improve their form. Claims 14-17 are believed to be patentable in conjunction with amended independent claim 18.

Claims 22-24 have been amended to depend from amended independent claim 20 and to improve their form. Claims 22-24 are believed to be patentable in conjunction with amended independent claim 20.

Claim 25 has been amended to depend from amended independent claim 26 and is believed to be patentable in conjunction with amended independent claim 26.

New Claims

New claims 27-29 depend from amended independent claim 26 and should be patentable in conjunction with claim 26. New claims 27-29 recite the clearance measurement device includes impression foam, a putty-like substance or a flexible envelope containing a fluid, respectively, as recited in original claims 2, 12 and 20.

New claims 30-35 duplicate original claim 25, but depend on independent claims 9, 10, 11, 18, 19 and 20, respectively. New claims 30-35 should be patentable in conjunction with the independent claims upon which they depend.

New claims sets 36-39 and 40-43 each substantially duplicate the subject matter from claims 5-8 and depend from amended independent claims 9 and 10. Claims 36-43 should be patentable in conjunction with the independent claims 9 and 10.

New claims 44-47 duplicate subject matter from claims 14-17. Claims 44-47 depend from amended independent claim 19, and should be patentable in conjunction with claim 19.

Since the new claims 27-47 substantially duplicate or incorporate information from the existing claims, no new matter has been claimed.

Conclusion

As a result of the amendments set forth above, it is believed that all pending claims in this application are in condition for allowance. Allowance is respectfully requested. The Examiner is requested to contact the undersigned by telephone to discuss any issues which may inhibit the immediate allowance of the claims.

Respectfully submitted,

Date: 8/9/05

By:  _____

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